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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/683,600	01/24/2002	Scott C. Harris	Connect-Net	6414	
23844	7590	01/06/2009	EXAMINER		
SCOTT C HARRIS		JACKSON, BLANE J			
P O BOX 927649		ART UNIT		PAPER NUMBER	
SAN DIEGO, CA 92192		2618			
		MAIL DATE		DELIVERY MODE	
		01/06/2009		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/683,600	HARRIS, SCOTT C.	
	Examiner	Art Unit	
	BLANE J. JACKSON	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 October 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) 13-15 and 17-30 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 13-15 and 17-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Response to Arguments

In view of the amended/ clarified claims by the applicant, prior art Kahn is presented to teach an automated transcription service for multiple voice users where the service is provided at a remote computer using a voice recognition program based on a received digital audio file.

Claim Rejections - 35 USC § 112

Claims 17 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "said spoken voice" (as used in claim 19). There is insufficient antecedent basis for this limitation in the claim. It is suggested "said spoken voice" is amended to "said voice to be recognized".

Claim 20 recites the limitation "said recognition information". There is insufficient antecedent basis for this limitation in the claim. It is suggested "said recognition information" is amended to "said recognized text".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 13, 17-19, 24 and 26-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Kahn et al. (US 6,122,614).

As to claim 13, Kahn teaches a system, comprising:

a first electronically operated device, receiving a voice to be recognized (figures 1 and 1b, column 5, lines 23-49, column 7, lines 4-20, a user station or general purpose computer with display (26) and microphone (25) capable of creating a dictation file, a digital audio file based on the voice of the user and transmission to a remote computer (40)),

said first electronically operated device including a connection to a network that extends between said first electronically operated device and a second computer (column 2, lines 3-7 and column 7, lines 4-20; column 8, line 53 to column 9, line 6 and column 10, lines 48-65, user station connected to a remote computer (40) via network (30) in the form of a computer network, direct telephone network, email or other Internet based, the remote computer including a speech recognition program to establish an acoustic model of a new user and provide speech recognition services in the automation stage),

wherein said first electronically operated device operates to receive said voice to be recognized, and to send information indicative of said voice to be recognized over said network and receive a document that includes text that represents a result of recognizing said voice to be recognized, and where said text in said document represents only said voice having been recognized by the second computer and does

not include results of recognizing any other voice (figures 1 and 2D, column 3, lines 33-64 and column 10, lines 48-57, the automation stage automatically creating a written text with the speech recognition program for each received voice dictation file and returns the written text (file) to the current user).

Claim 16 is cancelled.

As to claim 17 with respect to claim 13, Kahn teaches wherein said recognition results text is displayed on said first computer and includes text indicative of specific words that represent said *spoken voice* (figures 1b and 1d, column 10, lines 48-57, the written or text file is transmitted to the user for display).

As to claim 18 with respect to claim 13, Kahn teaches wherein said network connection is a connection over an existing telephone line (column 7, lines 4-20, general purpose computer is connected to both a network and telephone line with a modem to the Internet).

As to claims 19 and 24, Kahn teaches a system comprising:
a first electronic device, having a microphone, and capable of communicating sound received by said microphone recognized (figures 1 and 1b, column 5, lines 23-49, column 7, lines 4-20, a user station or general purpose computer with display (26)

and microphone (25) capable of creating a dictation file, a digital audio file based on the voice of the user and transmission of the file to a remote computer (40)),

 a computer, remote from said first electronic device (column 2, lines 3-7 and column 7, lines 4-20; column 8, line 53 to column 9, line 6 and column 10, lines 48-65, user station connected to a remote computer (40) via network (30) in the form of a computer network, direct telephone network, email or other Internet based, the remote computer including a speech recognition program to establish an acoustic model of a new user and provide speech recognition services in the automation stage),

 said first electronic device and said computer having connection capability parts that allow forming a connection between said a-first electronic device and said computer, said connection using a protocol which does not require a dedicated wire connection between said a first electronic device and said computer (column 2, lines 2-8, the computers are remotely connected via a computer network, interpreted to mean a wired or wireless network as well as a direct telephone connection for an Internet based transfer),

 said connection operative to allow data received from said microphone to be sent from said first electronic device to said computer for processing said data, to produce processed information voice recognized text that is based only on said data and not on any voices other than those included in said data, and to return said processed information voice recognized text from said computer to said a first electronic device, wherein said data is spoken voice requests, said computer recognizes said spoken voice and returns recognition information said voice recognized text in a document that

represents only said spoken voice to said first electronic device (figures 1 and 2D, column 3, lines 33-64 and column 10, lines 48-57, the automation stage automatically creating a written text with the speech recognition program for each received voice dictation file and returns the written text (file) to the current user).

As to claim 26 with respect to claim 19, Kahn teaches wherein said document is displayed on a display associated with said first electronic device and said display includes recognized words representing said spoken voice (figure 1b, column 10, lines 48-57, the written or text file is transmitted to the user for display on display (26)).

As to claim 27 with respect to claim 13, Kahn teaches a second computer remote from said electronically operated device, said second computer connect to said network and including automatic voice recognition capability (column 2, lines 3-7 and column 7, lines 4-20; column 8, line 53 to column 9, line 6 and column 10, lines 48-65, user station connected to a remote computer (40) via network (30) in the form of a computer network, direct telephone network, email or other Internet based, the remote computer including a speech recognition program to establish an acoustic model of a new user and provide speech recognition services in the automation stage).

As to claim 28 with respect to claim 13, Kahn teaches a digitizing part within said first electronically operated device which digitizes said voice to be recognized prior to

sending it over said network (column 5, lines 11-49, the general purpose computer must include a sound card to convert the voice to a digital file).

As to claim 29 with respect to claim 19, Kahn teaches said first electronic device includes a digitizer which digitizes said sound received by said microphone prior to sending it to said computer (column 5, lines 11-49, the general purpose computer must include a sound card to convert the voice to a digital file).

As to claim 30 with respect to claim 24, Kahn teaches the computer receives said voice data in a digitized form (column 7, lines 4-20, the audio file is sent via the Internet).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al. (US 6,122,614) in view of Zellner et al. (US 2002/0077084).

As to claim 14 with respect to claim 13 and claims 21 with respect to claim 19, Kahn teaches said first electronically operated device is implemented as a general

purpose computer, figure 1b, column 1, line 59 to column 2, line 26, but is silent as to comprising a portable telephone.

Zellner teaches a system utilizing a portable telephone comprising a display screen to display text or graphic messages and a microphone to transmit the user's voice during a telephone conversation or to generate digital audio files, figures 1-3, paragraphs 0049-0052. Zellner teaches the digital audio file format may include file extensions such as ".WAV" for transmission over the Internet, paragraph 0052.

Since Zellner discloses a web browser equipped cell phone, it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize the application of the cellular telephone of Zellner for the general computer of Kahn for voice dictation.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al. in view of Enns et al. (US 2002/0102969).

As to claim 15 with respect to claim 13, Kahn teaches said first electronically operated device is implemented as a general purpose computer, figure 1b, column 1, line 59 to column 2, line 26, but is silent as to comprising a personal digital assistant.

Enns teaches a user may speak into the microphone of a personal digital assistant or other hand-held computing device to create a digital audio file to be saved and transmitted in an email message, paragraphs 0006 and 0007. Enns discloses a WAV file format is the default format for the audio content, Paragraph 0007.

Since Kahn teaches software programs to produce voice dictation file in the form of a "WAV" file, column 5, line 50 to column 6, line 3, it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize the application of the hand held computing device of Enns for the general computer of Kahn for voice dictation.

Claims 20, 22, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al. (US 6,122,614) in view of Bouet (US 2002/0077139).

As to claims 20 and 25 with respect to claims 19 and 24, Kahn teaches digital recording stations preferably implemented on a general purpose computer with connection capability to the Internet, column 7, lines 4-20, but does not teach said connection capability parts include parts that allow making a Bluetooth connection to send said spoken voice.

Bouet teaches user terminals which are wireless telephone that include a low power Bluetooth radio transceiver to connect with a second terminal/ computer or access point for access to the Internet, figure 1, paragraphs 0024-0026.

It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize the general purpose computer of Kahn may be wirelessly linked for short range communication with the wireless telephones of Bouet to transfer digital audio files to the Internet.

As to claims 22 and 23 with respect to claim 19, Kahn teaches digital recording stations preferably implemented on a general purpose computer with connection capability to the Internet, column 7, lines 4-20, but does not teach the computer includes a telephone or a plurality of telephones associated therewith and said computer commands only certain ones of said telephone to be commanded to communicate based on applied information.

Bouet teaches user terminals which are wireless telephone that include a low power Bluetooth radio transceiver to connect with a second terminal/ computer or access point for access to the Internet, figure 1, paragraphs 0024-0026. Bouet discloses a method of utilizing the 24 bit address (LAP) of the Bluetooth Specification as a parameter to authorize/ forbid Bluetooth activity on any one of the plurality of Bluetooth enabled wireless telephones within range, paragraphs 0032-0037.

It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize the general purpose computer of Kahn may be used to control the wireless access of Bluetooth enable telephones of Bouet to control the transfer digital audio files to the Internet.

Conclusion

Reference the attached PTO-892 form for the prior art made of record.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Thursday, 8:30 AM-7:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blane J Jackson/
Primary Examiner, Art Unit 2618